

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LENIER AYERS,

Plaintiff,

v.

HENRY RICHARDS, et al.,

Defendants.

CASE NO. C08-5390BHS

ORDER REQUESTING
RESPONSE TO
DEFENDANTS' MOTION
FOR RECONSIDERATION

This matter comes before the Court on Defendants' motion for reconsideration (Dkt. 189). The Court has considered the instant motion and the remainder of the file and hereby orders Plaintiff to file a response to the motion.

I. FACTUAL & PROCEDURAL HISTORY

On September 22, 2009, Plaintiff filed his Third Motion for Previously Requested Public Disclosure. Dkt. 164. On October 5, 2009, Defendants filed a response and a motion for sanctions. Dkt. 167. On October 13, 2009, Plaintiff filed an affidavit. Dkt. 173. On October 20, 2009, Defendants replied. Dkt. 172.

On November 16, 2009, the Magistrate Judge granted Defendants' motion for sanctions (Dkt. 167) and ordered Plaintiff to pay \$500 into the court registry on or before January 8, 2010. Dkt. 180, at 5. The Magistrate Judge stayed the action pending payment of the sanction and informed Plaintiff that failure to pay the sanction on or before January 8, 2010, would result in a recommendation that this action be dismissed for failure to

1 comply with a court order and as sanction for his conduct. Id., at 5-6. Plaintiff did not pay
2 the sanction. Accordingly, the Magistrate Judge recommended that Plaintiff's case be
3 dismissed without prejudice for failure to comply with the Court's order. Dkt. 183.

4 On January 19, 2010, Defendants objected (Dkt. 184) to the Magistrate Judge's
5 Report and Recommendation (Dkt. 183).

6 On March 3, 2010, the Court overruled Defendants' objections and adopted the
7 Magistrate Judge's report and recommendation with the following modification: "In the
8 event Plaintiff renews his claim against Defendants, Plaintiff must pay the \$500 sanction
9 at the time of filing his complaint." Dkt. 187 at 2. On March 11, 2010, Defendants moved
10 the court to reconsider its ruling. Dkt. 189.

11 II. DISCUSSION

12 Motions for reconsideration are governed by Local Rule CR 7(h), which provides
13 in relevant part as follows:

14 No response to a motion for reconsideration shall be filed unless requested
15 by the court. No motion for reconsideration will be granted without such a
16 request. The request will set a time when the response is due, and may limit
a briefing schedule to particular issues or points raised by the motion, may
authorize a reply, and may prescribe page limitations.

17 Local Rule CR 7(h)(3).

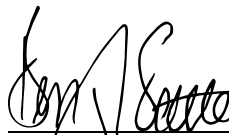
18 The Court has considered the motion and the remainder of the file and hereby
19 requests a response by Plaintiff to Defendants' motion for reconsideration.

20 III. ORDER

21 Therefore, it is hereby

22 **ORDERED** that Plaintiff file a response to Defendants' motion for
23 reconsideration no later than April 1, 2010, in a brief not to exceed 10 pages.

24 DATED this 23rd day of March, 2010.

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26 
27 BENJAMIN H. SETTLE
28 United States District Judge